

Stephen K. Christiansen
CHRISTIANSEN LAW, PLLC
3651 Lindell Road
Las Vegas, Nevada 89103
Telephone: 801-716-7016
Facsimile: 801-716-7017
Email: steve@skclawfirm.com

Oliver P. Maguire (admitted pro hac vice)
EVANS & DIXON, LLC
Corporate Woods | Building 82
10851 Mastin Boulevard, Suite 900
Overland Park, Kansas 66210
Telephone: 913-701-6810
Facsimile: 314-884-4386
Email: omaguire@evans-dixon.com
Email: copyright@evans-dixon.com
ATTORNEYS FOR PLAINTIFF
ALDEN TIMOTHY COX

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
NORTHERN DIVISION

ALDEN TIMOTHY COX,)	CASE NO.: 3:21-cv-00424-MMD-WGC
)	Judge Miranda Du
Plaintiff,)	Magistrate Judge William G. Cobb
)	
vs.)	STIPULATED DISCOVERY PLAN AND
)	SCHEDULING ORDER
LIGHTNING AUCTIONS, INC.,)	
)	SUBMITTED IN COMPLIANCE WITH LR
Defendant.)	26-1(b)

Pursuant to Local Rule 26-1, the parties, by and through the undersigned counsel, hereby submit the following Stipulated Discovery Plan and Scheduling Order.

RULE 26(f) INFORMATION

A. Rule 26(f) Conference

On December 15, 2021, counsel for the parties conducted a telephonic Rule 26(f) discovery conference. Oliver Maguire, Esq. appeared on behalf of Plaintiff Alden Timothy Cox. Myraleigh Alberto McGill, Esq. appeared on behalf of Lightning Auctions, Inc.

1 ***B. Description of the Action***

2 This litigation arises from Plaintiff A. Timothy Cox's allegations of copyright infringement
3 under 17 U.S.C. § 501 against Defendant Lightning Auctions, Inc. Plaintiff alleges that
4 Defendant infringed on the copyrights of 13 of Plaintiff's works by advertising unauthorized
5 reproductions of the works on Defendant's auction website, selling unauthorized reproductions
6 of the works on Defendant's auction website, and distributing unauthorized reproductions of the
7 works. Plaintiff also alleges Defendant prepared derivative works based on Plaintiff's works.

8 ***C. Time, Form, or Requirement for Rule 26(a) Disclosures.***

9 The parties proposed no changes in the form of Rule 26(a) Initial Disclosures. The parties
10 agree that this action requires the exchange of Rule 26(a) Initial Disclosures. The parties will
11 exchange Rule 26(a) Initial Disclosures by December 29, 2021.

12 ***D. Subject, Timing, and Limitations on Discovery.***

13 The parties do not proposed any changes in the timing on discovery from those provided
14 in Rule 26. The parties agree that the areas of discovery should include liability, damages, and
15 all claims and defenses permitted pursuant to the Federal Rules of Civil Procedure

16 ***E. Issues about Disclosure, Discovery, or Preservation of ESI.***

17 The parties do not have any issues regarding disclosure, discovery, or preservation of
18 electronically stored information at this time.

19 ***F. Issues of Privilege or Protection as Trial Preparation Materials.***

20 The parties do not have any issues of privilege or protection of trial preparation materials
21 at this time.

22 ***G. Limitation on Discovery by Federal Rules of Civil Procedure or Local Rules.***

23 The parties propose no changes to the limitations on discovery by the Federal Rules of
24 Civil Procedures or District of Nevada Local Rules.

25 ***H. Other Orders.***

26 The parties are not aware of any other orders to be entered at this time.

LR 26-1 INFORMATION**A. *Discovery Cutoff.***

Defendant Lightning Auctions, Inc. answered the complaint on November 29, 2021. The parties require one hundred eighty days (180) for discovery. Discovery will close on May 30, 2022.

B. *Amended Pleadings and Adding Parties.*

The deadline for filing motions to amend the pleadings or to add parties is ninety (90) days before the close of discovery. The parties may amend their pleadings or add parties without leave of Court by February 28, 2022.

C. *Fed. R. Civ. P. 26(a)(2) Disclosures (Experts).*

The parties shall make their Rule 26(a)(2) Disclosures sixty (60) days before the discovery cutoff date. The parties shall make their Rule 26(a)(2) Disclosures by March 31, 2022. The parties shall make rebuttal-expert disclosures thirty (30) days after the initial disclosure of experts. The parties shall make rebuttal-expert disclosures by May 2, 2022.

D. *Dispositive Motions.*

The deadline for filing dispositive motions is thirty (30) days after the discovery cut-off date. The parties shall file their dispositive motions by June 29, 2022.

E. *Pretrial Order.*

The deadline for joint pretrial order is 30 days after the dispositive-motion deadline. The parties shall submit the joint pretrial order by July 29, 2022.

F. *Fed. R. Civ. P. 26(a)(3) Disclosures.*

The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included in the joint pretrial order.

G. *Alternative Dispute Resolution.*

The parties certify that they met and conferred about the possibility of using alternative dispute-resolution processes, including mediation, arbitration, and if applicable, early neutral evaluation.

H. Alternative Forms of Case Disposition.

The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01).

I. Electronic Evidence.

The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purpose of jury deliberations. The parties do not have any stipulations reached regarding providing discovery in an electronic format compatible with the court's electronic jury evidence display system.

Approved and submitted by:

/s/ Oliver Maguire
 Oliver P. Maguire (admitted pro hac vice)
 EVANS & DIXON, LLC
 Corporate Woods | Building 82
 10851 Mastin Boulevard, Suite 900
 Overland Park, Kansas 66210
 Telephone: 913-701-6810
 Facsimile: 314-884-4386
 Email: omaguire@evans-dixon.com
 Email: copyright@evans-dixon.com

and

Stephen K. Christiansen
 CHRISTIANSEN LAW, PLLC
 3651 Lindell Road
 Las Vegas, Nevada 89103
 Telephone: 801-716-7016
 Facsimile: 801-716-7017
 Email: steve@skclawfirm.com
ATTORNEYS FOR PLAINTIFF
ALDEN TIMOTHY COX

Approved by:

/s/ Prescott Jones
 Prescott Jones
 Myraleigh Alberto
 RESNICK & LOUIS, P.C.
 8925 W. Russell Road, Suite 220
 Las Vegas, Nevada 89148-2540
 Email: pjones@rlattorneys.com
 Email: malberto@rlattorneys.com
ATTORNEYS FOR DEFENDANT
LIGHTNING AUCTIONS, INC.

1
2 IT IS SO ORDERED:
3

4 William G. Cobb
5

6 UNITED STATES MAGISTRATE JUDGE
7

8 DATED: December 29, 2021
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26